

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:03CR3064
)	
JACK W. POPEJOY,)	
)	
Defendant.)	

ORDER

THIS MATTER comes before the Court on defendant's Motion to Dismiss the 28 U.S.C. § 2255 Motion filed in the above captioned matter. Being fully advised in the premises, this Court finds that said motion should be granted.

IT IS THEREFORE ORDERED that the 28 U.S.C. § 2255 motion filed in the above captioned matter is dismissed. Should Mr. Popejoy bring a subsequent § 2255 motion, it will be subject to the statute of limitations and all other procedural bars. The United States Marshal is directed to forthwith notify the Bureau of Prisons facility where Mr. Popejoy is incarcerated to stop Mr. Popejoy from being transported to this District for the evidentiary hearing previously scheduled in the above captioned matter on October 26, 2005.

September 20, 2005.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge